



GREENWOOD COMMON COUNCIL NOVEMBER 7, 2005 MINUTES

President Bruce Armstrong called the meeting to order at 7:00 p.m.

The audience recited the Pledge of Allegiance in unison, after which Rev. Dane Sinn of the Smith Valley Baptist Church offered the invocation.

PRESENT:	Council members Bruce Armstrong, Ron Bates, Bill Bless, Ron Deer, John Gibson, Keith Hardin, Jessie Reed; Clerk-Treasurer Jeannine Myers; and City Attorney Shawna Koons-Davis. Mayor Charles Henderson was not present.
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Mr. Bates moved to approve the minutes of October 17th, with second by Mr. Hardin. Vote: Ayes.

Cheryl Morphew, Executive Director of the Johnson County Development Corporation, was next. She introduced herself, told the Council she was looking forward to working with them, and invited them to use her as a resource.

The City Attorney had distributed her litigation report. Mr. Gibson asked for a definition of "exchanging discovery". Ms. Koons-Davis explained that "discovery" is a process whereby you learn about the other person's case. Each side will serve interrogatories and request production of documents. At times one side will depose witnesses for the other side. The court allows a certain period of time to complete that information exchange in preparation for trial, she said.

Mr. Bates reported that the Plan Commission had met on October 24th with three items on the agenda. Annexation for the Christy property was again postponed because there were not enough for an official vote, as at their last meeting. Eight members of the Commission were present, voting five in favor of the petition, three against. Six votes are required in order for a petition to move forward. Two site development plans were approved – one for First Indiana Bank and one for Chase Bank. In response to Mr. Hardin, Ms. Koons-Davis noted that she had drafted a memorandum on attendance policies and is waiting on further direction. She added that the Council would be able to control only the members it appointed to the Plan Commission. Counsel confirmed also that the Democrat seat in the area of extended jurisdiction is still vacant.

ORDINANCE No. 05-23 – An Ordinance Fixing Salaries of Elected Officials of the City of Greenwood, Indiana for the Year 2006. Mr. Gibson moved to pass Ordinance No. 05-23 on first reading. Second by Mr. Deer. Mr. Deer moved to limit increases to 3% (Council to 2.5%). This led to discussion on the Judicial Salary Adjustment. Mr. Armstrong recapped the proposal: Mayor, \$69,411; Clerk-Treasurer, \$49,495; Judge, to remain at the 2005 level for the General Fund portion (figure not available) with \$15,198 Judicial Salary Adjustment. Second by Mr. Bless. To sum up, Mr. Armstrong commented that the Mayor's and Clerk-Treasurer's salaries would be adjusted by 3%, the Common Council by 2.5%, and the City Judge by the amount of the Judicial Salary Adjustment (\$15,198) with the General Fund portion to the 2005 level. Ms. Myers told the Council that since she did not put an increase in her budget she did not feel comfortable asking for a raise. Mr. Deer then amended his motion to leave the Clerk-Treasurer's salary at the 2005 level. Mr. Hardin commented that he would not vote to increase an elected official's salary during their term in office but would consider it during the last year of the term. Ms. Reed called for the question. Vote: Ayes. Vote on Mr. Deer's first motion: Ayes – Bates, Bless, Deer, Gibson; Nays – Hardin, Reed, Armstrong. Motion carried 4 – 3. Roll call on amendment to the amendment (Mayor – 3%, Clerk-Treasurer – no increase, Council – 2.5%, Judge – Judicial Salary Adjustment): Ayes – Bless, Deer, Gibson; Nays – Hardin, Reed, Armstrong, Bates. Motion defeated 4 – 3. Ms. Reed then moved that the Judicial Salary Adjustment, mandated by the State, be allowed as the only increase to an elected official's salary. Second by Mr. Bates. Vote: Ayes. Motion carried. **AMENDED.** (There apparently was no roll call on the ordinance itself.)

ORDINANCE No. 05-25 – An Ordinance Providing For an Additional Appropriation From the Aviation Operating Fund to the Board of Aviation Commissioners From the Local Share Match of AIP-18 Grant (\$30,000). Ms. Reed moved to pass Ordinance No. 05-25 through first reading. Second by Mr. Bless. President Armstrong opened the public hearing for comments or questions. Bill Jackson of the Board of Aviation Commissioners was present to answer questions and requested suspension of the rules. As no one else spoke, the public hearing was closed. Vote: Ayes. **PASSED FIRST READING.** Mr. Gibson moved to suspend the rules in order to consider second reading. Second by Ms. Reed. Vote: Ayes – Reed, Armstrong, Bates, Bless, Deer, Gibson; Nay – Hardin. Motion fails.

ORDINANCE No. 05-14 – An Ordinance Annexing Certain Territory Within the Area of Extended Jurisdiction of the City of Greenwood, Indiana, Placing the Same Within the Corporate Boundaries Thereof and Making the Same a Part of the City of Greenwood and Redefining the Corporate Boundaries of the City of Greenwood, Indiana, Approximately 68 Acres Located on the South Side of Cutsinger Road and East of Honey Creek Road (commonly known as J. Greg Allen and Associates Property). **POSTPONED UNTIL NOVEMBER 21, 2005 MEETING.**

ORDINANCE No. 05-21 – An Ordinance Amending the Greenwood Municipal Code (1993), As Amended, Chapter 8, Article 5, Section 8-45 to Alter Speed Zones (Summerfield Village Subdivision, Section 3). Mr. Deer moved to pass Ordinance No. 05-21 through second reading. Second by Mr. Hardin. Vote: Ayes. **PASSED SECOND READING.**

ORDINANCE No. 05-26 – An Ordinance Transferring Funds Within the Budget of the Legal Department (\$1,000). Ms. Koons-Davis explained that the transfer was from 339, Other Services & Charges, to 229 in Supplies to pay an invoice from the proper account. **INTRODUCED.**

ORDINANCE No. 05-27 – An Ordinance Approving Revised Taxi Cab Rates, Amending Greenwood Common Council Ordinance No. 95-15, “An Ordinance Approving Revised Taxi Cab Rates and Amending the Greenwood Municipal Code Section 4-138”, and Amending the Greenwood Municipal Code (1993), As Amended, Chapter 4, Article 2, Division XI, Section 4-138 and Repealing Section 139. Ms. Koons-Davis indicated that there had been a public hearing at the Board of Public Works and Safety; no one spoke; and the Board approved the resolution recommending an increase in taxi cab rates. **INTRODUCED.**

ORDINANCE No. 05-28 An Ordinance Amending Ordinance No. 89-65, As Amended, and Greenwood Municipal Code (1993), As Amended, Chapter 2, Article 8, Section 2-68, to Provide for an Additional One (1) Day Paid Holiday for Independence Day for the Year 2006. This was proposed because the holiday is on Tuesday next year. Mr. Hardin asked about the possibility of overtime for those departments that work the holiday. Fire Chief Steve Dhondt said that the ordinance would not change their holiday pay. They do not make additional holiday pay for City holidays. They have designated seven of those days, and the employees get a stipend for working the entire shift. **INTRODUCED.**

ORDINANCE No. 05-29 – An Ordinance Providing For an Additional Appropriation From the Cumulative Capital Development Fund for Certain Capital Outlays (\$438,349). Paige Gregory from H.J. Umbaugh passed out a budget worksheet. She pointed out that the Local Road & Street budget has been overspent by 11% as of September 30, 2005. The Department of Local Government Finance approved \$650,088 for the LRS 2005 budget, while the Council approved \$1.1 million. The State cut the budget because of insufficient funding. Ms. Gregory suggested reclassifying some expenditures that have already been made out of LRS to the Cum Cap Development fund, and other budgeted items that the Street Department was planning to do could also come out of the Cum Cap Development fund. The LRS budget approved by DLGF did include encumbrances of \$420,978 carried over from 2004. The City Attorney told the Council that the number would have to be amended at first reading. When she was given the figures to do the ordinance it was drafted as \$438,349. Since then she has been told the amount should be \$458,489. That is the amount that has been advertised for the first reading and public hearing. There will be an amendment to change that amount. Ms. Gregory explained that the Council originally approved \$1.1 million and the DLGF approved \$650,000 – which is a difference of \$450,000. She assured the Council that this is within their authority. Ms. Gregory mentioned that the LRS budget will be cut by the State for 2006. The State distribution will be \$400,000 to \$500,000. In response to Mr. Gibson, Ms. Gregory noted that the Valle Vista and Northern Parks projects are currently being paid out of Cum Cap Improvements. She added that even with having expenditures taken out of CCD, she anticipates about \$1.9 million remaining at the end of the year in Cum Cap Development and close to \$1 million in CCI – Tax Levy. Mr. Armstrong clarified that the amount approved by the Council for LRS in 2006 was \$693,000. Ms. Gregory reiterated that she does anticipate a cut by the State. **INTRODUCED.**

RESOLUTION No. 05-13 – A Resolution Establishing Holidays for Employees of the City of Greenwood for the Year 2006. **INTRODUCED.**

RESOLUTION No. 05-14 – A Resolution Declaring a Certain Area Within the City of Greenwood an Economic Revitalization Area and Qualifying Certain Real Property and Improvements for Property Tax Abatement and Setting the Time and Place for a Public Hearing Thereon (BD Greenwood Development, LLC). George Abel of Duke Realty was present to answer questions and discuss the project. This would create a second facility to Valle Vista Hospital's existing operation. **INTRODUCED.**

RESOLUTION No. 05-15 – A Resolution Authorizing a Temporary Loan for the Fire Fund (\$625,000) from the Cumulative Capital Development (CCD) Fund. Fire Chief Steve Dhondt recounted that a temporary loan for the Fire Fund was approved in June and that this happens on a fairly regular basis since the Fire Fund does not get a lot of miscellaneous revenue as the General Fund does. He said there is no additional appropriation or additional spending. The loan is to be paid back December 31st out of the second draw. Chief Dhondt noted that he has been told that the recommended practice for municipalities to put all additional or miscellaneous revenue in the General Fund and then make loans to some of the ancillary funds. **INTRODUCED.**

ORDINANCE No. 05-30 – An Ordinance Amending the 2005 Salary Ordinance, Common Council Ordinance No. 04-41 and the 2006 Salary Ordinance, Common Council Ordinance No. 05-12, Regarding the Fire Department and Sanitation Department – Administrative to Create a Full-Time Position From Two Part-Time Positions. Human Resources Director Bill Jackson was present to answer questions. This ordinance is to create a full-time position to split between the Fire Department and the Sanitation – Administrative Office to cut down on overtime. This was discussed at budget time. Mr. Jackson said that even with benefits for this position, it is still over \$5 an hour under what they are paying for time and a half. **INTRODUCED.**

Under miscellaneous business, Mr. Bates asked for an update on the new handbook. Mr. Jackson replied he would supply copies to Council members when the book is back from the printer.

Mr. Armstrong asked about the current status of the census. Mr. Jackson indicated that we have hired a census coordinator (not drawing a salary yet). The Police Department has set aside room at the training center for the workers. The I-T Department has the computer and phone lines in. He has also been advised that the Census Bureau has estimated that it will be March before they begin work here. In response to Mr. Armstrong, Mr. Jackson identified the coordinator as a 35-year resident of Greenwood and retired individual – Jeff Wonder. Planning Director Ed Ferguson reported that depending on the calendar year the new count is certified, the following April is when the financial benefits would go into effect. Last year there was a record of 531 new homes, noted Mr. Ferguson, and this total was surpassed by October 1st this year. His department has already issued 600 permits this year. He anticipates 700 permits by the end of the year and told the Council that it would be beneficial to the City to do the census in the spring or summer.

Mr. Bates also asked that the Police Chief revisit the trick-or-treating schedule for next year, considering comments from residents. Next Mr. Bates, citing a newspaper report, asked what procedure should be followed when threatened by a dog. Any dog or cat is supposed to be under control and leashed, said the City Attorney, or the owner can be cited.

Mr. Armstrong recounted a conversation with Chief Pitcher about a traffic issue. He told the location to the Chief outside the meeting so there can be effective police enforcement at that location.

Mr. Hardin said that he had received a report of speeding on Yorktown. The complainant estimated the speed at 80 miles per hour. He asked that the police revisit that area.

Ms. Reed revisited the issue of the orange posts along the walking trail along Valle Vista. Drivers were creating a problem by pulling onto the trail to pass at Patterson, recounted the City Attorney. The Director of Operations agreed it was a possible public safety issue. Mr. Hardin wondered if curb stones could be used. Mr. Gabehart agreed the posts are not attractive and noted there would be a drainage issue with curb stones. Different alternatives were discussed – including a curb and gutter system. As to the Fry Road reconstruction, Mr. Gabehart reported we are in the process of acquiring right-of-way for the eastern section. In response to Mr. Hardin, Mr. Gabehart said that the left-hand turn into Kohl's from eastbound on Fry has been alleviated with the design.

Mr. Bates mentioned traffic concerns on Fry Road between U.S. 31 and State Road 135 and also the dogleg. Mr. Gabehart told the Council that Federal funding has been awarded for the east side but funding has not been awarded on the second or third phases – the western end.

Mr. Gabehart next turned to an earlier question from Mr. Hardin regarding a left- turn light at Smith Valley and Averitt. This should be feasible at a cost of \$3,000 and he will explore funding. Mr. Hardin then brought up the issue of traffic backups at Main and Averitt caused by left turns onto Averitt by westbound motorists on Main.

As to the leaf pickup, there are five or six trucks out right now, and Mr. Gabehart said they should be able to keep up. The limb pickup was extended a week from the end of October. The site is open for drop off as well.

Mr. Gabehart next reported that they had evaluated the drainage situation at Westridge. The Street Department will probably start working to alleviate that this winter. Mr. Gabehart discussed the tub grinder being used in different communities and how it has generated income.

The Northern Park project is probably 70% to 80% complete on driveway approaches. They will start milling their stone and the timeline is to have the binder down by the end of November.

Chief Dhondt next discussed the construction problems at the site for the new station. A large vein of sand ran through the soil and they are waiting for additional information from the architect and the engineer. The Chief hopes that the Redevelopment Commission can have the information in front of them for their meeting tomorrow afternoon. The basement was designed as storage and additional space, he said. The first floor contains all necessary space for the firefighters to operate in. In a worst case scenario, if a basement cannot be built, they have not lost anything but space for the future, he said.

In response to Mr. Deer, the City Attorney said she would check to make sure that we could regulate speed limits in subdivisions. She thinks that is possible. Mr. Deer would like to find out how the City could set the limit so that in the future we would have ordinances that raise the speed limit instead of ordinances that lower them.

Mr. Deer also asked for an update on the whole section of sidewalk from Barton Lakes to Greenwood Christian Church. Mr. Gabehart thought there had been problems with design elevations that have not been solved yet.

Next Mr. Deer mentioned speed limits on Averitt Road, Stop 18 and Worthsville Road. They were previously rural roads and go from 30 to 40 miles per hour. He asked why the speed limit was not lowered. Ms. Koons-Davis thought that no one considered the issue but she will check into the law.

Mr. Gibson wondered if parking of boats and campers would be reviewed. Ms. Koons-Davis said that would be a text change that the Plan Commission would have to do.

Ms. Koons-Davis next brought up the 2005 tax abatement application for Nachi. America. Jay Campbell was present to answer questions. The building is complete. He indicated that they received a certificate of occupancy on July 14th. They have brought 15 employees here from Evansville. Mr. Campbell said he is currently working to create a couple of positions – one in the warehouse and one in customer service – and hopes to have those filled in the next six weeks. Mr. Hardin moved to find Nachi America in substantial compliance. Second by Ms. Reed. Vote: Ayes. Motion carried.

Ms. Myers told the Council that she had a quote on the business cards. Modifications to the phone numbers, e-mail, etc. are possible.

Ms. Myers and Ms. Gregory appeared before the DLGF Control Board in October in reference to a Police Pension excess levy appeal of \$44,000. They did receive a favorable recommendation, she reported, and they should get final approval within thirty days.

Planning Director Ed Ferguson told the Council there will be a workshop on the Ball State project this weekend for the downtown area. Jim Segedy, Director of Student Based Projects, was present and gave a brief update. He reported that 300 surveys have been returned from the community. This weekend they will be focusing on some of the issues they discussed this summer during their training session,

mostly design-based issues, he said. They will be looking primarily at the corridors. Mr. Segedy also mentioned Old Towne issues, park enhancements, connections between the various parks would be discussed. The public is encouraged to come in between 10:00 a.m. and noon on Saturday at the City Building. An open studio/workshop is to be held from noon to 6:00 p.m. on Saturday and from 10:00 to 3:00 on Sunday, with a presentation of ideas at 4:00 p.m. Sunday. A preliminary draft of the master plan hopefully will be available the first part of December. Mr. Segedy anticipates that the final plan might be in place by April or May. Emily Hinkle from the Chamber of Commerce said that the Chamber has posted this information on their website and gave brief comments. Design-based issues will be the focus at this workshop, reiterated Mr. Segedy. Mr. Ferguson mentioned that the number of questionnaires being returned has really increased over the last several days – about 700 total now.

With no further business, the meeting adjourned at 8:40 p.m.